

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE: BROOKE ELIZABETH RACE

CASE NO. 06-40010

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

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**ORDER FINDING CONFLICT OF INTEREST IN  
CONTINUED REPRESENTATION BY BYRON PITTS, ESQ.;  
REJECTING WAIVER OF CONFLICT-FREE REPRESENTATION**

At a hearing held on August 1, 2006, the Court held a hearing pursuant to the Government's Motion for Conflict of Interest Inquiry. Having been advised by briefs and oral argument by the Government and Ms. Race's attorney, and having questioned Ms. Race, the Court concludes that there is a conflict of interest in continued representation of Ms. Race by retained counsel Byron Pitts, Esquire, and the Court rejects Ms. Race's waiver of conflict-free representation for the reasons stated on the record.

Accordingly, Mr. Pitts is removed as counsel for Ms. Race, and barring any subsequent ruling by the U.S. Court of Appeals for the Sixth Circuit, this Court will appoint counsel under the Criminal Justice Act to represent Ms. Race at noon, Friday, August 4, 2006.

SO ORDERED.

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s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 2, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 2, 2006.

s/Denise Goodine  
Case Manager